

The Gallery indicated in writing its opposition to the proposed motion. Shortly before filing the Motion, the Gallery provided specific comments concerning factual inaccuracies and mischaracterizations of both the MPSJ and the Gallery's recently-filed First Amended Complaint.¹ The Gallery also objected to and specifically rejected any implication Dillon was entitled to a continuance under Federal Rule 56(D).

3. Rather than address these comments, Dillon took the position that, because the Gallery did not oppose the relief sought, Dillon could file the Motion as unopposed, regardless of the Gallery's objections. Shortly thereafter Dillon filed the instant Motion with minor revisions to the proposed draft.

4. Thus, beyond the limited relief to which it has consented, the Gallery must note its objection to the Motion. Specifically, the Gallery objects to the characterizations of the relief sought by the MPSJ, the claims brought in the First Amended Complaint, and the assertion that there exist any facts currently unavailable to Dillon necessary for its response to the MPSJ.

WHEREFORE, the Gallery files this limited objection on the grounds set forth herein. The Gallery does not oppose the relief sought by the Motion.

Dated: May 18, 2011

Respectfully submitted,

STORCH AMINI & MUNVES PC

By: 

Bijan Amiri (admitted *pro hac vice*)

Matthew Kane (admitted *pro hac vice*)

Two Grand Central Tower

140 East 45th Street, 25th Floor

New York, New York 10017

(212) 490-4100

(212) 490-4208 (fax)

*Of Counsel for Pre-War Art, Inc. d/b/a Gagosian
Gallery*

¹ Dillon failed to correct a number of the issues raised by the Gallery. For example, the Motion incorrectly states that the Gallery's First Amended Complaint was filed with leave of this Court. Motion at ¶ 2. The First Amended Complaint was filed upon Dillon's consent. In addition, the Motion mischaracterizes both the nature of the claims raised in the Amended Complaint and the relief sought by the PMSJ. See Motion at ¶¶ 2, 4.